

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SAYLOR R. WHITE, :
Plaintiff, : Case No. 3:21-cv-228
v. : JUDGE WALTER H. RICE
FELICIA A. WHITE, *et al.*, :
Defendants. :

DECISION AND ENTRY OVERRULING AS MOOT PLAINTIFF'S
MOTION FOR MORE TIME TO FILE OBJECTIONS TO FINDINGS
AND RECOMMENDATIONS (DOC. #5); ADOPTING UNITED STATES
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.
#3); DISMISSING COMPLAINT WITHOUT PREJUDICE TO REFILING
IN A STATE COURT OF COMPETENT JURISDICTION; DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL /N
FORMA PAUPERIS; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANTS AND AGAINST PLAINTIFF; TERMINATION ENTRY

On January 6, 2022, United States Magistrate Judge Peter B. Silvain issued a Report and Recommendations, Doc. #3. On initial review under 28 U.S.C. § 1915(e)(2), he recommended that the Court dismiss Plaintiff's *pro se* Complaint without prejudice because the Court lacked subject matter jurisdiction over the claims asserted.

Plaintiff sought and received one extension of time to file Objections to the Report and Recommendations. *See* Doc. #4 and January 20, 2022, Notation

Order. He then filed a Motion for More Time to File Objections to Findings and Recommendations, Doc. #5, asking to extend the deadline to February 11, 2022.

The Court now OVERRULES AS MOOT Plaintiff's Motion for More Time to File Objections, Doc. #5, given that Plaintiff filed no Objections within the time requested. Moreover, the Court has reviewed Plaintiff's Complaint and the Report and Recommendations and agrees that this Court lacks subject matter jurisdiction over Plaintiff's claims.

Based on the reasoning and citations of authority set forth in the Report and Recommendations, Doc. #3, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing and DISMISSES Plaintiff's Complaint WITHOUT PREJUDICE to refiling in a state court of competent jurisdiction.

Given that Plaintiff has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Plaintiff is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment shall be entered in favor of Defendants and against Plaintiff. The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 14, 2022

Walter H. Rice

WALTER H. RICE
UNITED STATES DISTRICT JUDGE